

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Volker Buttcher et al.
Serial No.: 10/705,195 Group:
Filed: November 10, 2003 Examiner:
For: „Method for Producing Alpha-1,6-Branched Alpha 1,4-Glucans from Sucrose”

DECLARATION REGARDING DEPOSIT OF MICROORGANISMS

I, Martin QUANZ, do hereby declare as follows:

I occupy the position of IP Manager with Bayer BioScience GmbH, the assignee of the above-mentioned application, located at Hermannswerder 20 a, 14473 Potsdam, Germany.

Cultures of the following microorganisms were deposited at the Deutsche Sammlung von Mikroorganismen und Zellkulturen (DSMZ) in Braunschweig, Germany, on the indicated dates in accordance with the provisions of the Budapest Treaty.

<u>Deposit Date</u>	<u>Scientific Description</u>	<u>Depository Designation</u>
25 September 1998	pBB48	DSM 12425

The above mentioned depository affords permanence of the deposits and ready accessibility thereto by the public if a patent is granted, under conditions which assure (a) that access to the culture will be available during pendency of said patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. Section 1.14 and 35 U.S.C. Section 122, and (b) that all restrictions on the availability to the public of the above-mentioned cultures will be irrevocably removed upon the granting of a patent.

These deposits are referred to on page 40, lines 20-24 of the above-mentioned application and are identified by deposit number, name and address of the depository, and the taxonomic description to the extent available is included in the specification.

The undersigned hereby assures the permanent availability of said cultures to the public through the above depository and in the event that any of the strains should become non-viable, mutate or inadvertently be destroyed the undersigned will replace the strains at the above-mentioned depository.

Attached hereto is a copy of a paper(s) from said depository evidencing the agreement between said depository and PlantTec Biotechnologie GmbH (predecessor in title of assignee).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made or punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 30-03-2007

Signature: 

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

PlantTec
Biotechnologie GmbH
Hermannswerder 14

14473 Potsdam

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:

pBB-48

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:

DSM 12425

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

a scientific description
 a proposed taxonomic designation

(Mark with a cross where applicable).

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I. above, which was received by it on 1998-09-25
(Date of the original deposit)¹.

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I. above was received by this International Depository Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: DSMZ-DEUTSCHE SAMMLUNG VON
MIKROORGANISMEN UND ZELLKULTUREN GmbH

Address: Mascheroder Weg 1b
D-38124 Braunschweig

Signature(s) of person(s) having the power to represent the
International Depository Authority or of authorized official(s):

U. Wehs

Date: 1998-09-30

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

PlantTec
Biotechnologie GmbH
Hermannswerder 14

14473 Potsdam

VIABILITY STATEMENT

issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: PlantTec Biotechnologie GmbH Address: Hermannswerder 14 14473 Potsdam	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: DSM 12425 Date of the deposit or the transfer ¹ : 1998-09-25
III. VIABILITY STATEMENT	
<p>The viability of the microorganism identified under II above was tested on 1998-09-28². On that date, the said microorganism was</p> <p style="margin-left: 40px;">(X)³ viable</p> <p style="margin-left: 40px;">()⁴ no longer viable</p>	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED⁴	
V. INTERNATIONAL DEPOSITORY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  Date: 1998-09-30

¹ Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

⁴ Fill in if the information has been requested and if the results of the test were negative.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

PlantTec
Biotechnologie GmbH
Hermannswerder 14

14473 Potsdam

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INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: pBB-48	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: DSM 12425
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: (<input checked="" type="checkbox"/>) a scientific description (<input type="checkbox"/>) a proposed taxonomic designation (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depository Authority accepts the microorganism identified under I. above, which was received by it on 1998-09-25 (Date of the original deposit) ¹ .	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I. above was received by this International Depository Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITORY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  Date: 1998-09-30
Address: Mascheroder Weg 1b D-38124 Braunschweig	

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.

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RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
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III. VIABILITY STATEMENT <p>The viability of the microorganism identified under II above was tested on 1998-09-28. On that date, the said microorganism was</p> <p><input checked="" type="checkbox"/>³ viable</p> <p><input type="checkbox"/>³ no longer viable</p>	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED⁴ <p> </p>	
V. INTERNATIONAL DEPOSITORY AUTHORITY <p>Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH</p> <p>Address: Mascheroder Weg 1b D-38124 Braunschweig</p> <p>Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s): <i>U. Weiske</i></p> <p>Date: 1998-09-30</p>	

¹ Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

⁴ Fill in if the information has been requested and if the results of the test were negative.